

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CHARLES LEE GRABLE,  
(TDCJ-CID #839605)

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. H-99-0258

**ORDER**

On August 24, 2000, this court granted the respondent's Motion for Summary Judgment. (Docket Entry No. 38). The petitioner, Charles Lee Grable, had initially contended that the prosecutor threatened to indict him with additional charges for family violence and assault and to charge his wife with retaliation. Grable alleged that although he was innocent of the charged offense of indecency with a child he pleaded guilty to protect his family by avoiding the additional charges. This court found that Grable entered his guilty plea voluntarily and that his claim for habeas relief based on the prosecutor's statements during plea negotiations lacked merit.

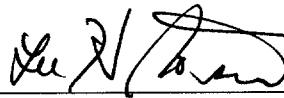
On January 15, 2013, this court denied Grable's motion for reconsideration. (Docket Entry No. 139). Grable filed a Notice of Appeal on March 6, 2013. (Docket Entry No. 142). The Fifth Circuit remanded for this court to determine the timeliness of Gable's notice of appeal. (Docket Entry No. 145). The final day for filing a timely notice of appeal was February 14, 2013. In the notice of appeal, Grable stated that he did not receive the order denying his motion for reconsideration until March 1, 2013. The appellate court treated this statement as a timely motion for finding excusable neglect or good cause for filing the notice of appeal late and remanded to this

court to make the necessary findings and return the case to the appellate court. (Docket Entry No. 145).

To allow this court to make the necessary findings, the mail room supervisor of the Diboll Unit of the Texas Department of Criminal Justice - Correctional Institutions Division located at Diboll, Texas, must complete and execute the affidavit attached to this Order and return it to the Clerk of the Southern District of Texas, Houston Division, United States District Court, at P.O. Box 61010, Houston, Texas 77208, no later than **June 21, 2013**. The affidavit must have attached a copy of the relevant pages of the legal mail log. If the mail room supervisor finds no entries for inmate Charles Lee Grable, Texas prisoner #839605, in the mail log for the specified period, the supervisor must indicate this on the affidavit by entering a zero in paragraph three of the affidavit, which refers to the number of pages of the mail log.

The Clerk will provide a copy of this Order, the attached affidavit, and the order from the Court of Appeals, (Docket Entry No. 145), to the parties and to the mail room supervisor, Diboll Unit, 1604 South First Street, Diboll, Texas, 75941.

SIGNED on May 14, 2013, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', written over a horizontal line.

Lee H. Rosenthal  
United States District Judge